IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 7809 OF 2006

Tatyasaheb Yeshwant Bhosale..... .....
Petitioner
V/s
The Sub-Divisional Engineer..... .....
Respondent.

Office Notes, Office Memoranda of Coram, appearances Court's orders or directions and Registrar's orders.) Court's or Judge's Orders

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Mr.Amit Sale, Adv. for the petitioner.

Mr.S.K.Chincholikar, AGP for respondent.

CORAM: A.P. DESHPANDE, J.
24.4.2007

PC:

The present writ petition is squarely covered by the judgment in the case of ***Chief Executive Officer, Zilla Parishad, Ahmednagar*** V/s ***Daulat Narsingrao Deshmukh & Anr.***, 2001 (2) Bom.CR 728 decided by the learned Single Judge of this Court (Dr.D.Y.Chandrachud, J.) wherein it is held that the appointments made under the Employment Guarantee Scheme were made in a situation akin to the one deal with by the Supreme Court of India in the case of ***Delhi Development***

Horticulture Employees Union v. ***Delhi Administration,*** AIR 1992 SC 780 popularly known as Jawahar Rojgar Yozana where under no permanent appointments were contemplated. However mustering assistants appear to have been so appointed. The petitioner claims to have been appointed as mustering assistant under the Employment Guarantee Scheme and he moved the Labour Court by filing ULP complaint seeking regularisation and absorption. The complaint was allowed. However revision filed by the respondent has been allowed by the Industrial Court and aggrieved whereby the present writ petition has been filed. There is no merit in the petition as the question is squarely covered by the judgment referred to herein above. In the result petition fails and is dismissed. However as ordered in the above judgment I direct the respondents to consider the claim of the petitioner in accordance with Government Resolution dated 1.12.1995 and subsequent Government Resolution which deal with the question of regularization or absorption of Muster Assistants. The respondents shall consider the petitioner's entitlement for absorption in accordance with Government policy in the light of above

resolutions.

24.4.07.